

new technology and ideas and bring in new contractors when needed. Congress has already bent over backward for them. The time is not ripe to abandon any organized acquisition system at the FAA.

I add, Mr. President, we spent over 3 years putting together that Federal Acquisition Streamlining Act, FASA, as it is called. We worked on the Governmental Affairs Committee about 2 years to put together the ideas of streamlining Federal procurement. We worked through the Armed Services Committee with the Pentagon to establish what is called an 800 panel that gave their recommendations on streamlining procurement. We worked with the National Performance Review of this administration when they came in. Working altogether in a collegial fashion, we put together what is an excellent, new Federal Acquisition Streamlining Act of 1994. That will get knocked out, even though we provided the flexibility FAA says that they want.

Another act that will be involved is the Small Business Act. The elimination of this section means the elimination of small business set-aside programs and assurances that small businesses are treated fairly in the award-decision process.

Mr. President, let me finish my statement and then I will yield the floor. I will be just about 2 or 3 more minutes.

Another one is the Competition in Contracting Act. With the waiver from CICA, the FAA would not have to conduct its acquisitions using the present standard of full and open competition which lets all offerors in at the outset of a procurement.

I think it is interesting to note that, as drafted, this section leaves the FAA subject to CICA's predecessor, 41 U.S. Code 5, the most basic procurement statute, under which the competition standard was "maximum practicable."

This statute requires that purchases and contracts be advertised, subject to exceptions, such as for urgency or being the only known source. The requirements for the exceptions to competition are less stringent than under CICA. Is this really what the appropriators intend? I do not think so.

Another one is GAO protest authority and the Brooks ADP Act. Under these sections, the FAA would be exempt from the GAO and GSBGA bid protest processes. That would leave the FAA subject to protests in court, a much more time-consuming and expensive process than either the GAO or the GSBGA. It would also take away GSA's delegation of procurement authority or for the FAA's acquisition of computer and other technology.

The Federal Acquisition Regulations: By waiving the FAR, the FAA would be exempt from all regulations pertaining to procurement.

By waiving all of these laws and regulations, there will be no hard and fast rules governing business between the

Government and the contractor. How are we going to do business? How are contractors going to litigate disputes they have with the Government on on-going contracts?

In short, Mr. President, this section of the proposed bill eliminates the current system of checks and balances which has developed in response to problems over the years.

I know that probably the proponents of this part of the legislation will say that we have a statement of administration policy that backs this up, but I quote from that statement of administration policy where it said that their support for this includes fast-track authority for a departmental reorganization plan and Federal Aviation Administration personnel and procurement reform which the administration has proposed as part of comprehensive FAA reform.

I do not quarrel with that. They do want some reform in this, but this is for a departmental reorganization, not for details of procurement we are talking about here.

I will add that we have asked them for a clarifying letter, and before there is a vote on this tomorrow morning, we will have that clarifying letter sent over to us from the Office of Federal Procurement Policy and, hopefully, from the Office of Management and Budget Office itself. So we will have that before there is a vote on that tomorrow morning.

So for all these reasons, Mr. President, I hope that we will have general support for the amendment by the distinguished chairman of the Governmental Affairs Committee, Senator ROTH, to strike this section.

I urge my colleagues to vote for Senator ROTH's amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

NATIONAL DEFENSE AUTHORIZATION ACT, FOR THE FISCAL YEAR 1996

Mr. THURMOND. Mr. President, I call for the regular order with respect to the DOD authorization bill.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 2280, of a perfecting nature.

#### CLOTURE MOTION

Mr. THURMOND. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion, having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1026, the Department of Defense authorization bill:

Bob Dole, Dan Coats, Strom Thurmond, James Jeffords, Hank Brown, Ted Stevens, Fred Thompson, Mark Hatfield, Larry Pressler, Bill Frist, John Warner, John H. Chafee, Chuck Grassley, John Ashcroft, Slade Gorton, John McCain.

Mr. THURMOND. Mr. President, for the information of all Senators, this cloture vote will occur on Friday, if necessary.

Mr. President, I now ask unanimous consent that the Senate resume the transportation appropriations bill.

Mr. EXON. Reserving the right to object, I just want to clarify what I think I heard the Senator from South Carolina, my friend, say. The cloture motion that he filed tonight will not be voted on on Thursday, it will come up on Friday; is that correct?

Mr. THURMOND. That is correct, Mr. President.

Mr. EXON. Will that be the usual procedure of 1 hour after the Senate comes in? What is the parliamentary situation on that?

Mr. THURMOND. Under rule XXII, it is 1 hour after we convene.

Mr. EXON. On Friday?

The PRESIDING OFFICER. That is correct.

Mr. EXON. I have no objection. Thank you.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2002) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The Senate continued with the consideration of the bill.

#### AMENDMENT NO. 2340

Mr. MCCAIN. Mr. President, I rise to speak on the pending Roth amendment, to strike language from the pending legislation.

Mr. President, I understand and appreciate the amendment of the Senator from Delaware. Clearly, it is very significant legislation on this appropriations bill. I do, however, want to point out that the action of the Appropriations Committee does have a certain logic associated with it. Right now, the amount of money that is going to be appropriated for 1996 is \$8 billion; \$6 billion of that comes from the aviation trust fund, which we know comes from fees, services, et cetera, and \$2 billion